



UNITED STATES MARINE CORPS

MARINE FORCES RESERVE
2000 OPELOUSAS AVENUE
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO

5720

Ser Counsel/2017-004670MM

11 May 17

VIA ELECTRONIC MAIL

Mr. Kevin Thomas
217 Saratoga St
Belle Chase, LA 70037
akallabeth7109@gmail.com

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST
CASE NUMBER DON-USMC-2017-004670

Dear Mrs. Arroyo:

This letter refers to your March 21, 2017, Freedom of Information Act (FOIA) request for "Blood Alcohol Level BAL test results from the logbook maintained by 4th Marine Division Headquarters in New Orleans, LA" dated Oct 20, 2014 and Jan 9, 2017. Your request was assigned tracking number DON-USMC-2017-004670 by the FOIA online system. Please mention this tracking number in any correspondence regarding the Marine Forces Reserve response to your request. You can access the FOIA online system at foiaonline.regulations.gov.

The test results dated Jan 9, 2017, were located, however, pursuant to MCO 5300.17, all command confirmation memos must be maintained by the DDRC and will remain active as part of the unit SACO record for a period of two years following the last entry. Breathalyzer tests, when done in conjunction with the drug testing program, are maintained for the same time period. As a result, the test dated Oct 20, 2014, is no longer maintained by the command. Marine Forces Reserve reviewed four (4) pages that are responsive to your request; the test results dated Jan 9, 2017

Unfortunately, I am compelled to partially deny your request. I have redacted information contained on all four (4) of the responsive pages pursuant to Title 5, United States Code, Section 552(b)(6). Releasing the redacted information would constitute an unwarranted invasion of personal privacy to individuals whose personal information appears in those records. However, based on your request I am releasing your information contained within the document.

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In view of the above, you may consider this to be an adverse determination that may be appealed to the Department of the Navy, Judge Advocate General (Code 14), Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066. Your appeal, if any, must be postmarked within ninety (90) calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal." Please mail a copy of any appeal to the Marine Forces Reserve FOIA Coordinator, 2000 Opelousas Avenue, Building 1, Room 4E5311, New Orleans, LA 70114-1500.

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at hqmcfoia@usmc.mil or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or (877) 684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

All fees have been waived in accordance with and as allowed by Secretary of the Navy Instruction 5720.42F. However, fees are assessed on a case-by-case basis, and you may be charged fees on future requests.

Should you have any questions, please feel free to contact me at micah.miller@usmc.mil.

Sincerely,
Micah M. Miller
Major, USMCR
Associated Counsel
MFR Office of Counsel

Enclosure